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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 LAUREL PARK COMMUNITY, LLC, a
11 Washington limited liability company;
12 TUMWATER ESTATES INVESTORS, a
13 California limited partnership; VELKOMMEN
14 MOBILE PARK, LLC, a Washington limited
15 liability company; and MANUFACTURED
16 HOUSING COMMUNITIES OF
17 WASHINGTON, a Washington non-profit
18 corporation,

19
20 Plaintiffs,

21 vs.

22 CITY OF TUMWATER, a municipal
23 corporation,

24 Defendant.

25 **NO. C09-5312 BHS**

26 **DECLARATION OF DAVID GINTHER
IN SUPPORT OF DEFENDANT CITY
OF TUMWATER'S MOTION FOR
SUMMARY JUDGMENT**

27
28 PURSUANT TO 28 U.S.C. § 1746, David Ginther, hereby declares as follows:

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30 1. I am a Senior Planner for the defendant City of Tumwater. I have worked for the
31 City of Tumwater for eleven years working in the long range planning department. I am over
32 the age of 18, competent to be a witness and make this declaration on personal knowledge.

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34 2. In 2008, I was assigned as one of the primary staff members to work on
35 development of new zoning ordinances for manufactured home parks (MHPs) by my supervisor,
36 Planning & Facilities Director Michael Matlock. My responsibilities included attending
meetings of the City Council, General Government Committee and Planning Commission to

1 assist in development of these ordinances. I conducted research on behalf of the legislative
2 bodies considering these ordinances, prepared staff reports and periodically made presentations
3 to the City's legislative bodies on topics of concern to them over the 18 months that these
4 ordinances were being considered.

5 3. I was also responsible for maintaining records of the City's consideration of these
6 ordinances, including any correspondence received, staff reports, different proposed draft
7 ordinances and other records considered by the City. After Ordinance O2008-009 and
8 Ordinance O2008-027 were adopted, they were appealed to the Western Washington Growth
9 Management Hearings Board. I assembled the administrative record that was certified by the
10 City to the Board for its review. This record consisted of over 135 documents and was certified
11 and used by the Board in its review proceedings. The exhibits attached to this Declaration are
12 part of the certified Administrative Record filed with the Board.

13 4. Attached hereto as Exhibit A is a true and correct copy of Ordinance O2008-009,
14 adopted by the City Council of the City of Tumwater on February 17, 2009.

15 5. Attached hereto as Exhibit B is a true and correct copy of Ordinance O2008-027,
16 adopted by the City Council of the City of Tumwater on February 17, 2009.

17 6. Attached hereto as Exhibit C is a true and correct copy of the Report and
18 Recommendation of the City of Tumwater Planning Commission, adopted on December 9,
19 2008.

20 7. Attached hereto as Exhibit D is a true and correct copy of excerpts from the
21 meeting packet, including a preliminary draft of Ordinance O2008-009.

22 8. Attached hereto as Exhibit E is a true and correct copy of the City Zoning Map
23 depicting the newly adopted MHP Districts.

24 9. Attached hereto as Exhibit F is a true and correct copy of critical areas mapping
25 showing aerial photographs of the property.

26 10. Attached hereto as Exhibit G is a true and correct copy of Correspondence from
William D. Schmicker, dated 6/13/08.

